99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-500

DECLARING THAT THE UNITED STATES HOLDS CERTAIN CHILOCCO INDIAN SCHOOL LANDS IN TRUST FOR THE KAW, OTOE-MISSOURIA, PAWNEE, PONCA, AND TONKAWA INDIAN TRIBES OF OKLAHOMA

MARCH 20, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

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REPORT

[To accompany S. 1684]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1684) to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of S. 1684 is to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma.

BACKGROUND

Pursuant to the Treaty of May 6, 1828, the Cherokee Nation of Oklahoma held title to certain lands in what was then Indian Territory. In 1882, Congress authorized the establishment of Indian industrial schools and Chilocco Indian School was subsequently established in the Cherokee Outlet. This reserve was later increased in area by Executive Order. In 1889, the Cherokee Nation conveyed to the United States all of its rights in the Cherokee Outlet to include the Chilocco Reserve.

In 1980, the Chilocco Indian School was closed and the land became surplus. The Cherokee Nation requested transfer of the land to the tribe under Public Law 93-599, which provides for the transfer of surplus land. In turn, the Kaw, Otoe-Missouria, Pawnee,

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Ponca and Tonkawa Tribes requested portions of the surplus land be transferred to them for economic development.

After agreement was reached between the concerned parties, a question arose as to whether Public Law 93-599 would allow the Secretary of the Interior to accept the land in trust for any tribe other than the Cherokee Nation. Under the relevant provisions of Public Law 93-599, excess property can only be transferred to a tribe in Oklahoma if it formerly held the land as part of its original reservation. In this case, the lands were held for the Cherokee but not the other five tribes. While the Cherokee Nation is entitled to the whole of the property, the agreement between the Cherokees and the five named tribes shows the desire of the Cherokee to share the use and benefit of the property with the other tribes. While administrative authority exists to transfer the property to the Cherokee Nation, congressional approval is required to allow the property to be divided among all the tribes. This legislation provides the needed approval.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 provides that the Secretary of the Interior shall partition the approximately 5,824 acres of land in Oklahoma known as the Chilocco Indian School Reserve among the Cherokee of Oklahoma and the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma pursuant to an agreement entered into by the tribes on August 30, 1985. Such interest partioned to the named tribes shall be held in trust by the United States for each of the named tribes. The Secretary of the Interior shall publish in the Federal Register a description of the interests in land partioned and held in trust.

Section 2

Section 2 provides that the interest of the United States in the minerals in the land described in section 1 are to be held in trust jointly for the Cherokee Nation of Oklahoma and the Pawnee, Ponca, Otoe-Missouria, Kaw, and Tonkawa Tribes of Oklahoma. The Cherokee Nation of Oklahoma shall act for all six tribes in decisions involving these mineral interests. Furthermore, the Secretary shall hold 50 percent of the income from those mineral interests in trust for the Cherokee Nation of Oklahoma and 10 percent of that income in trust for each of the other five tribes.

Section 3

Section 3 provides that nothing in this Act shall deprive any person of any right or interest in the land identified in section 1.

Section 4

Section 4 provides for the use of income derived from the land described in section 1.

COST AND BUDGET ACT COMPLIANCE

Enactment of S. 1684 will result in no cost to the United States. The cost analysis prepared by the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 28 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1684, an act to declare that the United States holds certain Chilocco Indian School lands in trust for the Kaw, Otoe-Missouria, Pawnee, Ponca, and Tonkawa Indian Tribes of Oklahoma, as ordered reported by the House Committee on Interior and Insular Affairs, February 26, 1986.

We estimate that enactment of this legislation would result in no additional costs to the federal government or to state of local governments. Under current law, authority already exists for the transfer of this land to the Cherokee Nation. Under the auspices of the Bureau of Indian Affairs, the Cherokee Nation reached an agreement with the five tribes listed above concerning division of these lands among the six tribes. This act would implement that agreement.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER.

INFLATIONARY IMPACT STATEMENT

Enactment of S. 1684 will have no inflationary impact.

OVERSIGHT STATEMENT

No specific oversight activities were undertaken by the committee and no recommendations were submitted to the committee pursuant to rule X, clause 2(b)2.

COMMITTEE RECOMMENDATION

The Committee, by voice vote, recommends approval of the bill.

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